

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**DAVID THOMPSON, et al.,** : **CASE NO.**  
**Plaintiffs,** : **JUDGE**  
**v.** : ***Jury Demand Endorsed Hereon***  
**GERHARD HARDT, et al.,** :  
**Defendants.** :

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**NOTICE OF REMOVAL**

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Pursuant to 28 U.S.C. §§1332, 1441, 1446, 1447 and FRCP 81(c) Defendants Gerhard Hardt and Stevens Transport, Inc., by and through counsel, hereby gives Notice of their removal of the within action from the Court of Common Pleas, Pike County, Ohio, to the United States District Court for the Southern District of Ohio, Eastern Division. As grounds therefore, this Defendant states as follows:

1. On October 8, 2020, an action was filed against these Defendants in the Common Pleas Court of Liking County, Ohio, entitled *David Thompson, et al. v. Gerhard Hardt, et al.*, Case No. 2020 CIV 000245 and service was issued. Defendants Gerhard Hardt and Stevens Transport, Inc. received service of the Complaint on or about October 19, 2020. A copy of all processes, Summons, pleadings and other documents served upon Defendants Gerhard Hardt and Stevens Transport, Inc. in this action in the Court of Common Pleas, Pike County, Ohio are attached hereto as **Exhibit A**.

2. Plaintiffs resides in McDermott, Ohio, while the Defendant Stevens Transport has their business in Dallas, Texas and defendant Hardt resides in El Paso, Texas, thus creating complete diversity between the parties. Plaintiff's claims against Stevens Transport and Gerhardt

Hardt arise from a vehicle accident allegedly causing unspecified injuries and damages to the Plaintiff are unspecified in nature.

3. Pursuant to 28 U.S.C. §§ 1332 and 1343, this Court has diversity jurisdiction over this action.

4. Plaintiff's Complaint is a civil action over which this Court has jurisdiction pursuant to 28 U.S.C. §1332 and which is removable by Defendants under the provisions of 28 U.S.C. §1441 in that:

- a. The matter in controversy exceeds the sum or value of \$75,000 exclusive of interest and costs; and
- b. The matter in controversy is between citizens of different states.

5. The Notice of Removal is filed with this Court within thirty (30) days after receipt of Plaintiffs' Complaint.

6. A copy of this Notice will be filed with the Clerk of the Common Pleas Court of Pike County as required by 28 U.S.C. §1446(d).

**WHEREFORE**, Defendants Gerhard Hardt and Stevens Transport, Inc. respectfully requests that the action in Case No. 2020 CIV 000245, currently pending in the Court of Common Pleas in Pike County, Ohio, be removed therefrom and placed on the regular docket of the United States District Court for the Southern District of Ohio, Eastern Division, in Columbus, Ohio, wherein venue is proper pursuant to 28 U.S.C. §1391(a) and (c).

Respectfully submitted,  
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*/s/ Robert C. Buchbinder*

ROBERT C. BUCHBINDER (0039623)  
CHRISTOPHER R. GREEN (0096845)  
*Counsel for Defendants Gerhard Hardt and Stevens Transport, Inc.*

**JURY DEMAND**

This Defendant hereby request a jury to hear the within matter on all issues so triable.

Respectfully submitted,

*/s/ Robert C. Buchbinder*

ROBERT C. BUCHBINDER (0039623)  
CHRISTOPHER R. GREEN (0096845)  
*Counsel for Defendant Gerhard Hardt and Stevens Transport, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 22nd day of October, 2020, the fore going was electronically filed with the Clerk of Courts using the electronic filing system, and a copy was duly served, via Electronic Mail and/or U.S. Regular Mail, postage prepaid, upon the following:

Tim Van Eman  
Sarah A. Lodge  
Lamkin, Van Eman, Trimble & Doughtry, LLC  
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*Counsel for Plaintiffs*

*/s/ Robert C. Buchbinder*

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